

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Michael Anderson,

Civil No. 04-4284 (DSD/SRN)

Plaintiff,

ORDER

v.

**Siemens Business Services, Inc., a subsidiary of
Siemens AG and Siemens Corporation USA,
Siemens AG, Siemens Corporation USA, and
Alan Gonchar, individually and in his capacity as
officer and managing agent of Siemens Business
Services, Inc.**

Defendants.

Christopher R. Walsh, Esq., on behalf of Plaintiff

Dana L. Rust, Esq. and Jason M. Hedicar, Esq. on behalf of Defendants Siemens Business Services, Inc. and Siemens Corporation USA

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated June 8, 2005. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Defendant Siemens Business Services, Inc. and Siemens Corporation USA's Motion to Strike (Doc. No. 24) is **DENIED**.

2. Defendant Siemens Business Services, Inc. and Siemens Corporation USA's Motion to Dismiss (Doc. No. 2) is **GRANTED in part and DENIED in part** as follows:
 - a. The motion is denied as to Plaintiff's MDAA claim contained in Count I of the Complaint but Plaintiff's available relief under the claim shall be limited to that enumerated in Minn. Stat. § 541.07(5).
 - b. The motion is granted as to Plaintiff's MDAA claim for aiding and abetting discrimination, obstruction, and reprisal claim found in Count II of the Complaint and the claim is dismissed with prejudice as to all of the above-captioned defendants.
 - c. The motion is denied as to Plaintiff's MHRA claims against Defendant Siemens Business Services, Inc.
 - d. The motion is granted as to Plaintiff's MHRA claims against Defendant Siemens Corporation USA.
 - e. The motion is denied as to Plaintiff's defamation claim.
 - f. The motion is granted as to Plaintiff's tortious interference claim and the claim is dismissed with prejudice as to Siemens Business Services, Inc. and Siemens Corporation USA.
3. Plaintiff's request for leave to amend his Complaint to add additional allegedly defamatory statements is **GRANTED**. Plaintiff is ordered to file an Amended Complaint within 10 days of the date of this Order that reflects only the allowed amendments and the modifications made to the Complaint by this Order.

4. Plaintiff's request for an extension of time to serve process on Defendants Alan Gonchar and Siemens AG is **DENIED as moot** and Plaintiff is ordered to serve said defendants within 15 days of the date of this Order.
5. The remainder of relief requested by Plaintiff is **DENIED**.

Dated: June 27, 2005

s/David S. Doty
David S. Doty, Judge
United States District Court